



IP 1645

DOCKET NO.: C1039.70020US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No.: 09/337,584
Confirmation No.: 9169
Filed: June 21, 1999
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES
Examiner: Nita M. Minnifield
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 25 day of August, 2004.


Kristin J. Ketelhuysen

MAIL STOP AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sign


Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement
- ☒ PTO Form 1449 with cited references
- ☒ Return Receipt Postcard

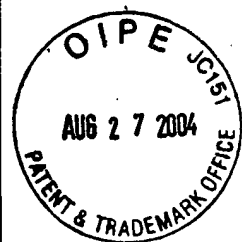
If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Krieg et al., Applicant

By: 
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Docket No. C1039.70020US00
Date: August 25, 2004
xNDDx



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Kristin J. Ketellut

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
C1037.70013US01	10/831,778	April 23, 2004	Bratzler et al.
C1037.70038US01	10/735,592	December 11, 2003	Krieg et al.
C1037.70039US01	10/816,220	April 1, 2004	McCluskie et al.
C1037.70042US00	10/613,524	July 3, 2003	Krieg
C1037.70044US00	10/613,736	July 3, 2003	Krieg
C1037.70048US00	10/644,052	August 19, 2003	Jurk et al.
C1037.70049US00	10/643,141	August 18, 2003	Hutcherson et al.
C1037.70052US00	10/668,050	September 22, 2003	Bratzler et al.
* C1039.70035US00	09/669,187	September 25, 2000	Krieg et al.
¹ C1039.70035US01	10/884,866	July 2, 2004	Krieg et al.
¹ C1039.70035US02	10/888,803	July 9, 2004	Krieg et al.
C1039.70036US00	09/559,140	April 27, 2000	Noll et al.
C1039.70041US00	09/655,319	September 5, 2000	Krieg et al.
C1039.70042US00	09/630,319	July 31, 2000	Krieg et al.
C1039.70043US00	09/629,477	July 31, 2000	Krieg et al.
C1039.70044US00	09/672,126	September 27, 2000	Hartmann et al.
C1039.70048US01	10/769,282	January 30, 2004	Krieg et al.
² C1039.70048US02	10/817,165	April 2, 2004	Krieg et al.
² C1039.70048US03	10/831,647	April 23, 2004	Krieg et al.
² C1039.70048US04	10/847,642	May 15, 2004	Krieg et al.
² C1039.70048US05	10/877,407	June 24, 2004	Krieg et al.
² C1039.70048US06	10/884,852	July 2, 2004	Krieg et al.
² C1039.70048US07	10/888,785	July 9, 2004	Krieg et al.
² C1039.70048US08	10/888,449	July 9, 2004	Krieg et al.

¹Copy not enclosed; see C1039.70035US00, Serial No. 09/699,187 for identical specification

²Copy not enclosed; see C1039.70048US01, Serial No. 10/769,282 for identical specification

The PTO did not receive the following
 listed item(s) References marked as asterisk (*) and Reference
 on page 1 of 8 to 5 of 8

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
² C1039.70048US09	Not Yet Assigned	July 16, 2004	Krieg et al.
² C1039.70048US10	Not Yet Assigned	July 16, 2004	Krieg et al.
C1039.70057US00	09/965,101	September 26, 2001	Davis et al.
³ C1039.70057US01	10/838,659	May 3, 2004	Davis et al.
C1039.70058US01	10/831,775	April 23, 2004	Davis et al.
⁴ C1039.70062US00	10/187,489	July 2, 2002	Krieg et al.
C1039.70070US00	10/382,822	March 6, 2003	Krieg et al.
² C1039.70071US00	10/435,656	May 9, 2003	Krieg et al.
² C1039.70074US00	10/679,710	October 3, 2003	Krieg et al.
² C1039.70075US00	10/613,916	July 3, 2003	Krieg et al.
C1039.70077US00	10/619,279	July 14, 2003	Krieg
⁴ C1039.70079US00	10/627,413	July 25, 2003	Krieg et al.
C1039.70083US00	10/690,495	October 21, 2003	Krieg et al.
⁵ C1039.70083US01	10/769,626	January 30, 2004	Krieg et al.
⁵ C1039.70083US02	10/787,737	February 26, 2004	Krieg et al.
⁵ C1039.70083US03	10/788,199	February 26, 2004	Krieg et al.
⁵ C1039.70083US04	10/788,191	February 26, 2004	Krieg et al.
⁵ C1039.70083US05	10/789,536	February 26, 2004	Krieg et al.
⁵ C1039.70083US06	10/789,051	February 26, 2004	Krieg et al.
⁵ C1039.70083US07	10/789,353	February 26, 2004	Krieg et al.
⁵ C1039.70083US08	10/847,650	May 15, 2004	Krieg et al.
⁵ C1039.70083US09	10/888,885	July 9, 2004	Krieg et al.
⁵ C1039.70083US10	10/888,089	July 9, 2004	Krieg et al.
C1039.70084US00	10/649,584	August 25, 2003	Krieg et al.
* C1040.70006US01	10/888,886	July 9, 2004	McCluskie et al.
C1040.70012US00	10/644,267	August 20, 2003	Davis et al.
* C1041.70002US01	10/877,369	June 25, 2004	Wagner et al.
⁶ C1041.70002US02	10/876,965	June 25, 2004	Wagner et al.
⁶ C1041.70002US03	10/876,892	June 25, 2004	Wagner et al.
C1041.70005US00	09/355,254	February 22, 2000	Wagner et al.

²Copy not enclosed; see C1039.70048US01, Serial No. 10/769,282 for identical specification³Copy not enclosed; see C1039.70057US00, Serial No. 09/965,101 for identical specification⁴Copy not enclosed; see C1039.70042US00, Serial No. 09/630,319 for identical specification⁵Copy not enclosed; see C1039.70083US00, Serial No. 10/690,495 for identical specification⁶Copy not enclosed; see C1041.70002US01, Serial No. 10/877,369 for identical specification

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
⁷ C1041.70005US01	10/811,226	March 26, 2004	Wagner et al.
⁷ C1041.70005US02	Not Yet Assigned	July 16, 2004	Wagner et al.
C1041.70010US00	09/786,436	March 2, 2001	Wagner et al.
C1041.70016US01	10/884,372	July 2, 2004	Bauer et al.
C1041.70024WO00	PCT/US04/12788	April 22, 2004	Vollmer et al.
C1041.70036US01	10/872,196	June 18, 2004	Lipford et al.
C1041.70040US00	10/666,844	September 19, 2003	Lipford et al.

⁷Copy not enclosed; see C1041.70005US00, Serial No. 09/355,254 for identical specification

The Applicant would like to bring to the Examiner's attention the following co-pending application (copy enclosed) that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor</u>
09/265,191	03-10-1999	Carson et al.

Comments Regarding Pending Interference No. 105,171

Applicants of the instant patent application are also named inventors on an issued patent US Patent No. 6,207,646 B1 which is currently involved in an Interference (Interference No. 105,171). The instant patent application derives priority from US 6,207,646 B1. In view of the priority Applicants have included on the attached 1449 a listing of all of the motions filed in the Interference to date. Copies are enclosed for the Examiner's review. If the Examiner would like any additional information on this subject, she is encouraged to contact Applicants' representative at the number listed below.

The following are remarks concerning the other information cited:

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

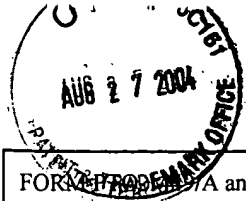
An early and favorable action is hereby requested.

Respectfully submitted,
Krieg et al., *Applicant*

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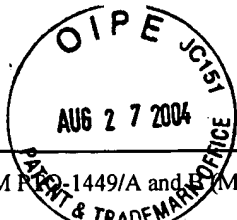
Docket No. C1039.70020US00
Date: August 25 2004
XNDDX



INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 09/337,584		ATTY. DOCKET NO.: C1039.70020US00	
				FILING DATE: June 21, 1999		CONFIRMATION NO.: 9169	
				APPLICANT: Krieg et al.			
				GROUP ART UNIT: 1645		EXAMINER: Nita M. Minnifield	
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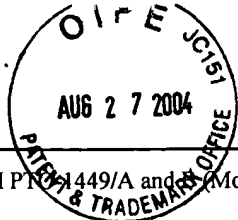
U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A3	6,653,292	B1	Krieg et al.	11-25-2003
	A4	6,727,230	B1	Hutcherson et al.	04-27-2004
	A5	2001/0044416	A1	McCluskie et al.	11-22-2001
	A6	2002/0064515	A1	Krieg et al.	05-30-2002
	A7	2002/0091097	A1	Bratzler et al.	07-11-2002
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	A12	2003/0026782	A1	Krieg et al.	02-06-2003
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	A18	2003/0087848	A1	Bratzler et al.	05-08-2003
	A19	2003/0091599	A1	Davis et al.	05-15-2003
	A20	2003/0100527	A1	Krieg et al.	05-29-2003
	A21	2003/0104523	A1	Bauer et al.	06-05-2003
	A22	2003/0139364	A1	Krieg et al.	07-24-2003
	A23	2003/0148316	A1	Lipford et al.	08-07-2003
	A24	2003/0148976	A1	Krieg et al.	08-07-2003
	A25	2003/0166001	A1	Lipford	09-04-2003
	A26	2003/0181406	A1	Schetter et al.	09-25-2003
	A27	2003/0191079	A1	Krieg et al.	10-09-2003
	A28	2003/0212026	A1	Krieg et al.	11-13-2003
	A29	2003/0224010	A1	Davis et al.	12-04-2003
	A30	2003/0232074	A1	Lipford et al.	12-18-2003
	A31	2004/0009949	A1	Krieg	01-15-2004
	A32	2004/0030118	A1	Wagner et al.	02-12-2004
	A33	2004/0053880	A1	Krieg	03-18-2004
	A34	2004/0067905	A1	Krieg	04-08-2004
	A35	2004/0087534	A1	Krieg et al.	05-06-2004
	A36	2004/0087538	A1	Krieg et al.	05-06-2004
	A37	2004/0092472	A1	Krieg	05-13-2004
	A38	2004/0106568	A1	Krieg et al.	06-03-2004
	A39	2004/0131628	A1	Bratzler et al.	07-08-2004



FORM PTO-1449/A and (Modified)		APPLICATION NO.: 09/337,584	ATTY. DOCKET NO.: C1039.70020US00
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING DATE: June 21, 1999	CONFIRMATION NO.: 9169
		APPLICANT: Krieg et al.	
		GROUP ART UNIT: 1645	EXAMINER: Nita M. Minnifield
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	A40	2004/0132685	A1	Krieg et al.	07-08-2004
	A41	5,112,605		Jardieu	05-12-1992
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	A45	5,994,315		Nyce et al.	11-30-1999
	A46	6,025,339		Nyce	02-15-2000
	A47	6,040,296		Nyce	03-21-2000
	A48	6,090,791		Sato et al.	07-18-2000
	A49	6,174,872	B1	Carson et al.	01-16-2001
	A50	6,194,388	B1	Krieg et al.	02-27-2001
	A51	6,207,646	B1	Krieg et al.	03-27-2001
	A52	6,214,806	B1	Krieg et al.	04-10-2001
	A53	6,218,371	B1	Krieg et al.	04-17-2001
	A54	6,239,116	B1	Krieg et al.	05-29-2001
	A55	6,339,068	B1	Krieg et al.	01-15-2002
	A56	6,406,705	B1	Davis et al.	06-18-2002
	A57	6,426,336	B1	Carson et al.	
	A58	6,429,199	B1	Krieg et al.	08-06-2002
	A59	6,562,798		Schwartz	05-13-2003
	A60	6,589,940	B1	Raz et al.	07-08-2003
	A61	6,610,661		Carson et al.	08-26-2003
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	A63	2003/0022852	A1	Van Nest et al.	01-30-2003
	A64	2003/0027782	A1	Carson et al.	02-06-2003
	A65	2003/0049266	A1	Fearon et al.	03-13-2003
	A66	2003/0059773	A1	Van Nest et al.	03-27-2003
	A67	2003/0064064	A1	Dina et al.	04-03-2003
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	A74	2003/0186921	A1	Carson et al.	10-02-2003
	A75	2003/0203861	A1	Carson et al.	10-30-2003
	A76	2003/0232780	A1	Carson et al.	12-18-2003
	A77	2004/0006034	A1	Raz et al.	01-08-2004
	A78	2004/0006010	A1	Carson et al.	01-08-2004
	A79	2004/0092468	A1	Schwartz et al.	05-13-2004



FORM PTO-1449/A and (Modified)		APPLICATION NO.: 09/337,584	ATTY. DOCKET NO.: C1039.70020US00
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		GROUP ART UNIT: 1645	EXAMINER: Nita M. Minnifield
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FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B2	WO	99/52549	A1	Smithkline Beecham Biologicals S.A.	10/29/1999	
	B3	WO	99/56755	A1	University of Iowa Research Foundation	11-11-1999	
	B4	WO	99/62923	A2	Dynavax Technologies Corporation		
	B5	WO	00/16804	A1	Dynavax Technologies Corporation		
	B6	WO	00/20039	A1	The Regents of the University of California		
	B7	WO	00/62787	A1	The Regents of the University of California		
	B8	WO	01/02007	A1	The Regents of the University of California		
	B9	WO	01/12223	A2	Dynavax Technologies Corporation		
	B10	WO	01/68144	A2	Dynavax Technologies Corporation	09-20-2001	
	B11	WO	03/000232	A2	Dynavax Technologies Corporation	01-03-2003	
	B12	WO	03/094963		INEX Pharmaceuticals Corp.	11-20-2003	
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	B15	WO	2004/039829	A2	Coley Pharmaceutical Group, Ltd.	05-13-2004	

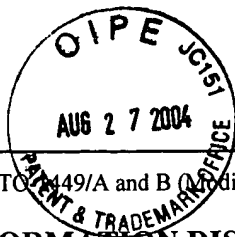
OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	ABED et al., Interferon-gamma regulation of B lymphocyte differentiation: activation of B cells is a prerequisite for IFN-gamma-mediated inhibition of B cell differentiation. Cell Immunol. 1994 Feb;153(2):356-66.	
	C2	AGRAWAL et al., Pharmacokinetics, biodistribution, and stability of oligodeoxynucleotide phosphorothioates in mice. Proc Natl Acad Sci U S A. 1991 Sep 1;88(17):7595-9.	
	C3	ASKEW et al., "CpG DNA induces maturation of dendritic cells with distinct effects on nascent and recycling MHC-II antigen-processing mechanisms", Journal of Immunology, 165: 6889-95, 2000.	
	C4	BAUER et al., DNA activates human immune cells through a CpG sequence-dependent manner. Immunology. 1999 Aug;97(4):699-705.	
	C5	BOHLE et al., Oligodeoxynucleotides containing CpG motifs induce IL-12, IL-18 and IFN-gamma production in cells from allergic individuals and inhibit IgE synthesis in vitro. Eur J Immunol. 1999 Jul;29(7):2344-53.	
	C6	BRANDA et al., Immune stimulation by an antisense oligomer complementary to the rev gene of HIV-1. Biochem Pharmacol. 1993 May 25;45(10):2037-43.	
	C7	BRAZOLOT-MILLAN et al., CpG DNA can induce strong Th1 humoral and cell-mediated immune responses against hepatitis B surface antigen in young mice. Proc Natl Acad Sci U S A. 1998 Dec 22;95(26):15553-8.	
	C8	BROIDE et al., Modulation of asthmatic response by immunostimulatory DNA sequences. Springer Semin Immunopathol. 2000;22(1-2):117-24. Review.	
	C9	BROIDE et al., Immunostimulatory DNA sequences inhibit IL-5, eosinophilic inflammation, and airway hyperresponsiveness in mice. J Immunol. 1998 Dec 15;161(12):7054-62.	
	C10	BROIDE et al., DNA-Based immunization for asthma. Int Arch Allergy Immunol. 1999 Feb-Apr;118(2-4): 453-6.	
	C11	BRUNNER et al., "Enhanced dendritic cell maturation by TNF-alpha or cytidine-phosphate-guanosine DNA drives T cell activation in vitro and therapeutic anti-tumor immune responses in vivo", Journal of Immunology, 165: 6278-6286, 2000.	
	C12	CARSON et al., Oligonucleotide adjuvants for T helper 1 (Th1)-specific vaccination. J Exp Med. 1997 Nov 17;186(10):1621-2. Review.	



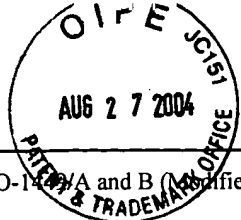
FORM PTO-1449/A and B (Modified)				APPLICATION NO.: 09/337,584		ATTY. DOCKET NO.: C1039.70020US00	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				FILING DATE: June 21, 1999		CONFIRMATION NO.: 9169	
				APPLICANT: Krieg et al.			
				GROUP ART UNIT: 1645		EXAMINER: Nita M. Minnifield	
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	C121	Patent Interference No. 105,171. Miscellaneous Motion 2 (Unopposed Request for Addition to Iowa's File History). April 15, 2004.		
	C122	Patent Interference No. 105,171. Iowa Preliminary Motion 3 (for Judgment Based on Failure to Comply with 35 U.S.C. 135(b)) (Electronically filed, unsigned). June 7, 2004.		
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	C124	Patent Interference No. 105,171. Iowa Preliminary Motion 5 (For Judgment Based on Lack of Enablement) (Electronically filed, unsigned). June 7, 2004.		
	C125	Patent Interference No. 105,171. Iowa Preliminary Motion 6 (For Judgment Based Lack of an Adequate Written Description) (Electronically filed, unsigned). June 7, 2004.		
	C126	Patent Interference No. 105,171. Iowa Preliminary Motion 7 (Motion to Redefine the Interference to Designate Claims as Not Corresponding to the Count) (Electronically filed, unsigned). June 7, 2004.		
	C127	Patent Interference No. 105,171. Iowa Preliminary Motion 8 (Contingent Motion to Redefine Count) (Electronically filed, unsigned). June 7, 2004.		
	C128	Patent Interference No. 105,171. Iowa Preliminary Motion 9 (Motion for Benefit of Earlier Application) (Electronically filed, unsigned). June 7, 2004.		
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	C130	Patent Interference No. 105,171. Regents of the University of California Preliminary Statement. June 7, 2004.		
	C131	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 1 (To Designate Additional Claims of the Iowa Patent as Corresponding to the Count). June 7, 2004.		
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